

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DANIELLE CROCE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:23-cv-00396
)	
MERCY HOSPITAL,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant Mercy Hospital¹ (“Defendant” or “Mercy”) hereby gives notice of the removal of the above-styled action to this Court from the Circuit Court of St. Louis County, State of Missouri. In support of its Notice of Removal, Defendant states as follows:

1. An amended Petition for Damages was filed February 9, 2023 and is styled *Danielle Croce v. Mercy Hospital*, Case No. 22SL-CC05365, was filed in the Circuit Court of St. Louis County, State of Missouri, (hereinafter “the Complaint”).
2. Defendant Mercy Hospital was served with a summons and a copy of the Complaint on March 17, 2023.
3. This Notice of Removal is timely because it is filed within the thirty-day period prescribed by 28 U.S.C. § 1446(b).

¹ MHM Support Services is the entity that employed Plaintiff and is the proper defendant in this matter. Mercy Hospital was not Plaintiff’s employer.

4. Venue of this civil action is proper in this Court pursuant to 28 U.S.C. §§ 1391, 1441(a) because Plaintiff filed her Complaint in the Circuit Court of St. Louis County, Missouri, which is located in the Eastern District’s jurisdiction.

5. The state court action is removable because this Court has jurisdiction based on federal question.

6. In her Complaint, Plaintiff purports to bring claims for employment discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (“Title VII”).

7. Under 28 U.S.C. § 1441(a), claims or causes of action presented in state court proceedings where the district courts of the United States have original jurisdiction founded on a claim or right arising under the Constitution, treaties, or laws of the United States are removable without regard to the citizenship of the parties.

8. Plaintiff’s Complaint asserts a claim arising under federal law, i.e., Title VII. Accordingly, this Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and removal of this action is authorized by 28 U.S.C. § 1441. *See Parks v. Barnes-Jewish Hosp.*, 2021 WL 4635163 (E.D. Mo. Feb. 9, 2021) (Title VII claims may be removed to federal court).

9. Defendant properly removes this case to federal court pursuant to 28 U.S.C. § 1331 because Plaintiff’s Complaint asserts claims arising under federal law.

10. Pursuant to 28 U.S.C. § 1446(d), Defendant has given written notice of its filing of this Notice to Plaintiff. Defendant will also promptly file a copy of this Notice with the Circuit Court of St. Louis County, State of Missouri.

11. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served on Defendant and those retrieved by the undersigned counsel from Missouri Case.Net are attached to this Notice as *Exhibit A*.

WHEREFORE, Defendant Mercy Hospital, by and through its counsel, desiring to remove this civil action of the United States District Court for the Eastern District of Missouri, Eastern Division, prays that the filing of this Notice of Removal, the giving of written notice thereof to Plaintiff, and the filing of a copy of this Notice of Removal with the clerk of the Circuit Court of St. Louis County, State of Missouri, shall effect the removal of said civil action to this Honorable Court.

Respectfully submitted,

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

/s/ James M. Paul

James M. Paul, MO 44232
Thomas R. Chibnall, MO 67994
7700 Bonhomme Avenue, Suite 650
St. Louis MO, 63105
Telephone: 314.802.3935
Facsimile: 314.802.3960
james.paul@ogletree.com
thomas.chibnall@ogletree.com

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 30, 2023, I electronically filed the above and foregoing document using the Court's e-filing system and emailed it to the following:

Kristine Shilt
9519 Windor Drive
Lee's Summit, MO 64086
Telephone: 816-935-6911
Email: kshilt@renz-law.com

Attorney for Plaintiff

/s/ James M. Paul

An Attorney for Defendant